(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE

DISTRICT :

MISCELLANEOUS CIVIL APPLICATION NO. 688 OF 2004.

Office Notes, Office Memoranda of Quorum, appearances,Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri H. R. Bharne, Government Advocate for the Applicants.

Shri D. Pangam, Advocate for Respondent Nos. 3(b)(i), 3(c)(i), 3c, 3d & 3e.

CORAM : B. H. MARLAPALLE, J.

DATE : 15TH OCTOBER, 2004.

P.C. :

This is an appliction submitted by the State Government seeking leave to withdraw the amount deposited during the pendency of First Appeal No. 29/1998. The

original claimants have filed Affidavit in reply and have annexed a chart setting out the apportionment of the balance amount amongst themselves. It was also sought to be contended by the original claimants that they would be entitled for further interest on the enhanced compensation amount on the ground that the amount deposited in this Court was not a deposit under section 28 or section 34 of the Land Acquisition Act, 1894.

There is no dispute that at the time of granting stay by this Hon'ble Court in First Appeal No. 29/1998, the acquiring body had deposited an amount of Rs.3,59,100/- on 31.07.1998. The Appeal was compromised in the Lok Adalat held

on 17.04.04 and the market value fixed by the Learned Reference Court at Rs.102/- per sq.mt. was reduced to Rs. 65/- per sq.mt. This decree pursuant to the compromise in the Lok Adalat has decided the Appeal and consequently the balance amount deposited will have to be allowed to be withdrawn by the respectie parties. There is no dispute that the claimants had withdrawn an amount of Rs.1,79,550/- pursuant to the order passed by this Court on 30.3.99 and from the balance amount, the State Government is entitled to withdraw an amount of Rs.2,06,066. Whereas the balance amount of Rs.1,53,034/- goes to the original claimants with proportionate accrued interest as shown in the statement annexed to the Affidavit

in reply.

Hence the application is allowed in terms of prayer clause (a) & (b) and it is directed that an amount of Rs. 2,06,066/- be refunded by cheque drawn in favour of the Executive Engineer, Works Division II ®, Public Works Department, Panaji, Goa. Whereas the amount of Rs. 1,53,034/- to be withdrawn by the claimants along with proportionate accrued interest shall be distributed as per the apportionment shown in the statement annexed to the Affidavit in reply.

B. H. MARLAPALLE, J.

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